

Where a creditor is such in a representative capacity only, he is not a creditor within the meaning of this section. *Glenn v. Reid*, 74 Md. 241.

The largest creditor is not entitled to be notified or summoned—see section 32. This section referred to in construing section 248. *McGuire v. Rogers*, 71 Md. 589.

Cited but not construed in *Williams v. Addison*, 93 Md. 45; *Dalrymple v. Gamble*, 66 Md. 308; *Pollard v. Mohler*, 55 Md. 289; *Carpenter v. Jones*, 44 Md. 628; *Georgetown College v. Browne*, 34 Md. 455.

See notes to sec. 18.

As to the appointment of an administrator in order to secure the payment of the collateral inheritance tax, see art. 81, sections 139 and 140.

1904, art. 93, sec. 31. 1888, art. 93, sec. 31. 1860, art. 93, sec. 31. 1798, ch. 101, sub-ch. 5, sec. 23.

31. If there shall be neither husband, nor wife, nor child, nor grandchild, nor father, nor brother, nor sister, nor mother, or if these be incapable, or decline, or refuse to appear on proper summons or notice, or if other relations and creditors shall neglect to apply, administration may be granted at the discretion of the court.*

An applicant for letters held not to be "incapable" within the meaning of this section. *Stouffer v. Stouffer*, 110 Md. 372.

This section held applicable to letters granted under section 235 in case a party is absent and unheard of for more than seven years. *Savings Bank of Baltimore v. Weeks*, 110 Md. 92.

Only in the cases spoken of in this section and section 18, are letters to be granted "at the discretion of the court." *Smith v. Young*, 5 Gill, 205. And see *Georgetown College v. Browne*, 34 Md. 458.

Where the intestate's sister renounces and the next of kin fail to apply, administration is properly granted in the discretion of the court. *Williams v. Addison*, 93 Md. 46. And see *Dalrymple v. Gamble*, 66 Md. 308; *Rockwell v. Young*, 60 Md. 572.

In exercising its discretion, the court should as a general rule, appoint the person having the greatest interest in the estate. *Hoffman v. Gold*, 8 G. & J. 84.

Letters of administration should not be granted to a party sustaining the relation of both debtor and creditor to the estate. *Owings v. Bates*, 9 Gill, 466; *cf. Kailer v. Kailer*, 92 Md. 150.

This section referred to in deciding that the court would apply the same rules in the matter of the time within which an application is made to revoke letters as in an application for letters. *Edwards v. Bruce*, 8 Md. 397; *cf. Stocksdales v. Conaway*, 14 Md. 107.

This section referred to in construing sections 21 and 37—see notes thereto. *Slay v. Beck*, 107 Md. 362.

This section construed in connection with section 70—see notes thereto. *Thomas v. Knighton*, 23 Md. 325.

This section referred to in construing section 248—see notes thereto. *McGuire v. Rogers*, 71 Md. 589.

Cited but not construed in *Brodie v. Mitchell*, 85 Md. 518; *Glenn v. Reid*, 74 Md. 241. *Pollard v. Mohler*, 55 Md. 289.

See notes to sections 18 and 32.

Ibid. sec. 32. 1888, art. 93, sec. 33. 1860, art. 93, sec. 33. 1798, ch. 101, sub-ch. 5, sec. 7.

32. It shall not be necessary to give notice to a party entitled to administration if he be out of the State, nor shall it be necessary to

*For cases construing section 32 of the codes of 1860 and 1888, as amended by the act of 1892, chap. 571—the section as amended being now repealed—see *Hunter v. Hersperger*, 96 Md. 294; *Wilkinson v. Robertson*, 85 Md. 447; *Moore v. Taylor*, 81 Md. 648; *In re Lee's estate*, 76 Md. 110; *McColgan v. Kenny*, 68 Md. 260; *Brown v. Bokee*, 53 Md. 163; *Mobray v. Leckie*, 42 Md. 477; *Hubbard v. Barcus*, 38 Md. 181; *Stockett v. Bird*, 18 Md. 489.